

**76-3-406.5 Aggravating factors in imprisonment for certain criminal homicide cases.**

- (1) As used in this section:
  - (a) "Cohabitant" has the same definition as in Section 78B-7-102.
  - (b) "Position of trust" includes the position of a spouse, parent, or cohabitant.
- (2) It is an aggravating factor that the person occupied a position of trust in relation to the victim.
- (3) The Board of Pardons and Parole shall consider the aggravating factor in Subsection (2) in determining the length of imprisonment for a person convicted of:
  - (a) aggravated murder under Section 76-5-202;
  - (b) murder under Section 76-5-203; or
  - (c) manslaughter under Section 76-5-205.
- (4) The sentencing court shall consider the aggravating factor in Subsection (2) in sentencing a person convicted of manslaughter under Section 76-5-205.

Amended by Chapter 3, 2008 General Session